# OFFICIAL FILE ILLINOIS COMMERCE COMMISSION



### STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

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WPS Energy Services, Inc.

CHIEF CLERK'S OFFICE

Application for Certification of Service Authority under Section 16-115 of the Public Utilities Act. Docket No. 00-0199

# BRIEF ON EXCEPTIONS TO THE HEARING EXAMINERS PROPOSED ORDER ON BEHALF OF WPS ENERGY SERVICES, INC.

COMES NOW WPS Energy Services, Inc. ("WPS" or "Applicant") and for its Brief on Exceptions to the Hearing Examiner's Proposed Order ("Proposed Order") dated March 28, 2000, pursuant to 83 Ill. Adm. Code Part 200.830, states as follows:

- 1. The Hearing Examiner has correctly concluded that WPS should be granted the Certificate of Service Authority, that WPS has sufficient technical, financial and managerial resources and abilities to provide power and energy to eligible non-residential retail customers throughout the area certified, and that WPS has complied with 220 ILCS 16-115(d)(2) through (5) and (8). The Hearing Examiner has presented a thorough analysis in explaining why WPS should be granted the relief being sought. There may be certain findings and conclusions, or the other statements, to which WPS is not necessarily in complete agreement, but except as noted below, on the whole the Hearing Examiner's Proposed Order is acceptable.
- 2. In Section V. RECIPROCITY ISSUES UNDER 16-115(d)(5), in the fourth full paragraph at page 6, second sentence, appears the following:

"Applicant asserts that market prices are much better proxies of the total electric supply and delivery costs of serving WPS customers from an Illinois energy source than are marginal costs".

Proposed Order at 6.

WPS does not recall that its Application or any other filing it has made in this proceeding supports

the above contention. In any event, WPS disagrees with the statement and hereby recommends its deletion from the Proposed Order.

Respectfully submitted,

Eric Robertson

Edward C. Fitzhenry

Lueders, Robertson & Konzen

1939 Delmar Avenue, P. O. Box 735

Granite City, IL 62040

(618) 876-8500

Attorneys for WPS Energy Services, Inc.

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#### PROOF OF SERVICE

STATE OF ILLINOIS	)	
	)	SS
COUNTY OF MADISON	)	

I, Edward C. Fitzhenry, Jr., being an attorney admitted to practice in the State of Illinois and one of the attorneys for Illinois Industrial Energy Consumers herewith certify that I did on the day of March, 2000, filed with the Illinois Commerce Commission an original and fourteen (14) copies of the Brief on Exceptions on behalf of the WPS Energy Services, Inc., and serve upon the persons identified on the attached service list, by depositing same in the United States Mail, in Granite City, Illinois with postage fully prepaid thereon.

Edward C. Fitzhency

Lueders, Robertson & Konzen

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P. O. Box 735

Granite City, IL 62040

(618) 876-8500

SUBSCRIBED AND SWORN to me, a Notary Public, on this And day of

March, 2000

Notary Public

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"OFFICIAL SEAL"

DIANE SIGNALL
NOTARY PUBLIC-STATE OF ILLINOIS
MY COMMISSION EXPIRES APR 23, 2003

## STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

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Public Utilities Act.

Docket No. 00-0199

#### NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on this <u>29</u> day of <u>Marcl</u>, 1999, we have delivered for filing with the Illinois Commerce Commission, 527 East Capitol Ave., Springfield, Illinois, 62794, the original and fourteen (14) copies of the Brief on Exceptions on behalf of WPS Energy Services, Inc., along with Proof of Service thereon attached.

Edward C. Fitzhenry
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P. O. Box 735
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(618) 876-8500

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### WPS ENERGY SERVICE CASE DOCKET NO. 00-0199

#### SERVICE LIST

Mr. Larry Jones Hearing Examiner Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62794

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